App. F. IX-4

Previous References

Dep. No. W 258 of 43-44. (1943-44 War)

W File No. 22-43.

Serial Nos. 41 & 42.

Later References.

P 9

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two only

Part B for August 1944.

SUBJECT

Amendments to the Defence of India Rules.

Krishnan
16.8.44.

3053/W.

Amendments to the Defence of India Rules.

Continuation Sheet. W File No. Current No. 22 of 43-44 Page.

41

No 7 69-42(2)/W of 24-6-44 from Army forwarding copy of 2 new & 2 2nd revise of corrections to the Defence of India Act & Rules.

Of the list No 86 has been issued. The other amendments could not be issued as the Gazettes for April were not received. Nos 84 & 85 are amendments to the Act. Of the others No 82 has no application here as Rule 67A has not been adopted here.

No 77 could not perhaps be adopted here as there is no censor here. The censor is appointed by Govt of India. It is for orders if Nos 78, 79, 80, 81 & 83 are to be adopted here.

Submit for orders.

15687

CHIEF SECRETARY. 30 JUN. 1944 GOVT OF ... SCIE...

OFFICE OF THE MINISTER FOR EDUCATION ... 7-7-44 ... No. 167

EDY. LA... 7 JUL... TYP... 8 JULY 1944 GEN. & ...

SC 7-8-6/44.

SC 28/6/44. for ...

WD 06260—GPB—500 pads of 100 sheets each—20-3-42

W.22-43-41. 3053

From

The Secretary to the Hon'ble
the Resident in Mysore.

To

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore,
Bangalore.

MEMORANDUM No.F.69-42(2)/W. (Secret)
Bangalore, the 24th June 1944.

AMENDMENTS TO THE
DEFENCE OF INDIA ACT AND
RULES.

- - -

Reference memorandum from this Residency No.F.69-42(2)/W, dated the 6th April 1944.

2. Copies of the twenty-second and twenty-third lists of corrections to the Defence of India Act and Rules are forwarded.

for P.N. Narayana Murti
SECRETARY TO THE RESIDENT.

CHIEF SECRETARY'S OFFICE
27 JUN. 1944
GOVT. OF MYSORE.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 69-42(2)/W, dated Bangalore, the 16th June 1944.

The following amendments to the Defence of India Rules contained in the twenty-second and twenty-third lists of corrections are republished.

P. K. NARAYANASWAMI AYYAR,
for *Secretary to the Resident.*

No. 77.

Page 44, rule 18—

In rule 18, after clause (*c*) the following clause shall be inserted:—

"(*d*) order the transmission of any telegraphic message by a route different from that prescribed by the sender.

[Defence Department Notification No. 5-DC(62)/44, dated the 8th April 1944.]

No. 78.

Page 33, rule 4—

In rule 4, for the words "by or under those Rules", the words "by those Rules, or by any order made or direction given thereunder not being an order or direction of the Central Government, or of an officer specially authorised by the Central Government in this behalf expressly providing the contrary" shall be substituted.

[Defence Department Notification No. 5-DC(64)/44, dated the 29th April 1944.]

No. 79.

Page 128, rule 76A—

After sub-rule (2) of Rule 76A, the following sub-rule shall be inserted, namely:—

"(*2A*) The Central Government or the Provincial Government may, with a view to requisitioning any space or accommodation under sub-rule (*1*) or to determining the compensation payable therefor, by order require any person to furnish to such authority as may be specified in the order such information in his possession as may be so specified."

[Defence Department Notification No. 5-DC(64)/44, dated the 29th April 1944.]

No. 80.

Page 150, rule 86—

In sub-rule (*1*) of Rule 86,—

(*a*) in clause (*a*) the words "at any port" shall be omitted;

(*b*) in clause (*b*) the words "at any aerodrome" shall be omitted;

(*c*) in clause (*c*) after the words "at or in" the words "or in the vicinity of" shall be inserted.

[Defence Department Notification No. 5-DC(64)/44, dated the 29th April 1944.]

No. 81.

Page 150, rule 87—

In clause (*a*) of sub-rule (*3*) of Rule 87, after the words "by that authority" the words "or by the Central Government" shall be inserted.

[Defence Department Notification No. 5-DC(64)/44, dated the 29th April 1944.]

No. 82.

Page 150-151, rule 87A—

In Rule 87A,—

(*a*) for the words "port authority", wherever they occur, the words "appropriate authority" shall be substituted;

(*b*) in sub-rule (*2*) for the words "payable to it" the words "payable to the port authority" shall be substituted;

(*c*) after sub-rule (*2*) the following sub-rule shall be added, namely,—

"(*3*) For the purposes of this rule, the expression "appropriate authority" means the port authority or any person authorised by the Central Government in this behalf".

[Defence Department Notification No. 5-DC(64)/44, dated the 29th April 1944.]

No. 83.

Page 71, rule 38B—

In rule 38B, after clause (*b*) of sub-rule (*2*), the following proviso shall be inserted:—

Provided that any such person may direct—

(i) that any such power or duty which immediately before making the order of supersession was by or under any such law exercised or performed on behalf of the local authority by any other person or authority shall be exercised or performed on his behalf by that other person or authority;

(ii) that any such power or duty, whether or not it was so exercised or performed, shall be exercised or performed on his behalf by such person or authority as he may specify in this behalf.

[Defence Department Notification No. 5-DC(63)/44, dated the 29th April 1944.]

NOTE.—No list of corrections was issued to the Defence of India Act, 1939 and Rules made thereunder during the weeks ending the 18th and 25th March, 1st, 8th, 15th, and 22nd April 1944.

No. 84.

Page 6, Section 2—

For clause (x) of sub-section (2) of the Defence of India Act, 1939 (XXXV of 1939), the following clause shall be substituted. and shall be deemed always to have been substituted, namely:—

"(x) the apprehension and detention in custody of any person whom the authority empowered by the rules to apprehend or detain as the case may be suspects, on grounds appearing to such authority to be reasonable, of being of hostile origin or of having acted, acting, being about to act, or being likely to act in a manner prejudicial to the public safety or interest, the defence of British India, the maintenance of public order, His Majesty's relations with foreign powers or Indian States, the maintenance of peaceful conditions in tribal areas or the efficient prosecution of the war, or with respect to whom such authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner, the prohibition of such person from entering or residing or remaining in any area, and the compelling of such person to reside and remain in any area, or to do or abstain from doing anything;"

[The Defence of India (Amendment) Ordinance, 1943 (XIV of 1943).]

No. 85.

Page 12, Section 6—

In clause (5) of section 6 of the Defence of India Act, 1939 (XXXV of 1939)—

(a) for sub-clause (a) the following sub-clauses shall be substituted, namely:—

"(a) in section 53, for regulation (2) the following regulation had been substituted, namely:—

"(2) Judgment of death shall not be passed on any prisoner unless all the officers present at the court-martial, where the number is less than five, and in other cases a majority of not less than two-thirds of the officers present, concur in the sentence."

(b) in sub-section (2) of section 57A, for the word "commander" the words "substantive or acting commander" had been substituted;

(c) in section 58—

(i) in regulations (1) and (16) for the word "five" the word "three" in regulation (7) for the words "the president is a captain" the words "the president is a substantive or acting commander", in regulation (15) for the word "four" the word "two" had been substituted;

(ii) regulation (3) had been omitted"; and

(b) existing sub-clause (b) shall be relettered as sub-clause (d).

[The Defence of India (Amendment) Ordinance, 1943 (XLIV of 1943).]

No. 86.

Page 186, Rule 119—

After sub-rule (*1*) of rule 119 of the said Rules, the following sub-rule shall be inserted, namely:—

"(*1A*) Where any of these Rules empowers an authority, officer or person to take action by notified order, the provisions of sub-rule (1) shall not apply in relation to such order, and all persons whom the order concerns shall, upon its notification, be deemed to have been duly informed of it."

[D.D. Notification No. 5-DC(35)/43, dated the 6th May 1944.]

3 copies.

W 59/W 22-43-42
dt 10th July 1944

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Act (XXV of 1939), as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules in force in Mysore, namely:-

1. In rule 4 of the said Rules, for the words "~~by or under these Rules~~", the words "by these Rules, or by any order made or direction given thereunder not being an order or direction of the Government, or of an officer specially authorised by the Government in this behalf expressly providing the contrary" shall be substituted.

2. In rule 38B of the said Rules, after clause (b) of sub-rule (2), the following proviso shall be inserted:-

"Provided that any such person may direct -

(i) that any such power or duty which immediately before making the order of supersession was by or under any such law exercised or performed on behalf of the local authority by any other person or authority shall be exercised or performed on his behalf by that other person or authority;

(ii) that any such power or duty, whether or not it was so exercised or performed, shall be exercised or performed on his behalf by such person or authority as he may specify in this behalf."

3. After sub-rule (2) of Rule 76A, of the said Rules, the following sub-rule shall be inserted, namely:-

"(2A) The/Government ~~or the Provincial Government~~, may, with a view to requisitioning any space or accommodation under sub-rule (1) or to determining the compensation payable therefor, by order require any person to furnish to such authority as may be specified in the order such information in his possession as may be so specified."

4. In sub-rule (1) of Rule 86 of the said Rules -

(a) in clause (a) the words "at any port" shall be omitted;

(b) in clause (b) the words "at any aerodrome" shall be omitted;

(c) in clause (c) after the words "at or in" the words "or in the vicinity of" shall be inserted.

5. In clause (a) of sub-rule (3) of Rule 87 of the said Rules, after the words "by that authority" the words "or by the Government" shall be inserted.

By order,

Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No.W.59/W22-43-42 *Dated Bangalore* 15 July 1944

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Act XXV of 1939,, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules in force in Mysore, namely:-

1. In rule 4 of the said Rules, for the words " by or under these rules", the words " by these rules, or by any order made or direction given thereunder not being an order or direction of the Government, or of an officer specially authorised by the Government in this behalf expressly providing the contrary" shall be substituted.

2. In rule 38B of the said Rules, after clause (b) of sub-rule (2), the following proviso shall be inserted:-

" Provided that any such person may direct -

(i) that any such power or duty which immediately before making the order of supersession was by or under any such law exercised or performed on behalf of the local authority by any other person or authority shall be exercised or performed on his behalf by that other person or authority;

(ii) that any such power or duty, whether or not it was so exercised or performed, shall be exercised or performed on his behalf by such person or authority as he may specify in this behalf."

3. After sub-rule (2) of Rule 76A, of the said Rules, the following sub-rule shall be inserted,namely:-

"(2A) The Government may, with a view to requisitioning any space or accommodation under sub-rule (1) or to determining the compensation payable therefor, by order require any person to furnish to such authority as may be specified in the order such information in his possession as may be so specified."

P.T.O.

4. In sub-rule (1) of Rule 86 of the said Rules -

(a) in clause (a) the words " at any port" shall be omitted;

(b) in clause (b) the words "at any aerodrome" shall be omitted.

(c) in clause (c) after the words " at or in" the words " or in the vicinity of " shall be inserted.

By Order,

for Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 100 copies to this office, 25 to Inspector General of Polive and 20 each to the Deputy Commissioners of Districts.

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. W[redacted]59/W22-43-42 *Dated Bangalore, 10th July 1944*

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Act(XXV of 1939), as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules in force in Mysore, namely:-

1. In rule 4 of the said Rules, for the words " by or under these rules", the words " by these rules, or by any order made or direction given thereunder not being an order or direction of the Government, or of an officer specially authorised by the Government in this behalf expressly providing the contrary" shall be substituted.

2. In rule 38B of the said Rules, after clause (b) of sub-rule (2), the following proviso shall be inserted:-

" Provided that any such person may direct -

(i) that any such power or duty which immediately before making the order of supersession was by or under any such law exercised or performed on behalf of the local authority by any other person or authority shall be exercised or performed on his behalf by that other person or authority;

(ii) that any such power or duty, whether or not it was so exercised or performed, shall be exercised or performed on his behalf by such person or authority as he may specify in this behalf."

3. After sub-rule (2) of Rule 76A, of the said Rules, the following sub-rule shall be inserted,namely:-

"(2A) The Government may, with a view to requisitioning any space or accommodation under sub-rule (1) or to determining the compensation payable therefore, by order require any person to furnish to such authority as may be specified in the order such information in his possession as may be so specified."

P.T.O.

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(a) in clause (a) the words " at any port" shall be omitted;

(b) in clause (b) the words "at any aerodrome" shall be omitted.

(c) in clause (c) after the words " at or in" the words " or in the vicinity of " shall be inserted.

By Order,

for Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 100 copies to this office, 25 to Inspector General of Police and 20 each to the Deputy Commissioners of Districts.

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